IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS 2013 SEP -3 PM 1:53 **AUSTIN DIVISION**

IN RE: **§** § § § § CAUSE NO. A-13-ĈV-756 SCC KYLE PARTNERS, LTD., CASE NO. 12-11978 DEBTOR. CHAPTER 11 WHITNEY BANK, SUCCESSOR BY MERGER TO WHITNEY NATIONAL BANK, INDIVIDUALLY AND AS AGENT FOR CERTAIN PRE-PETITION LENDERS, APPELLANT, V.

ORDER SETTING BRIEFING SCHEDULE AND ORAL ARGUMENT

SCC KYLE PARTNERS, LTD., AND VALERIE WENGER, TRUSTEE,

APPELLEES.

Before the court is the above-styled and numbered bankruptcy appeal. The record in this cause reflects that on July 15, 2013, Appellant Whitney Bank filed in the United States Bankruptcy Court for the Western District of Texas a Notice of Appeal from the bankruptcy court's Order Confirming Debtor's Second Amended Plan of Reorganization Under Chapter 11, Title 11, United States Code, which was signed and entered on July 1, 2013. Having considered Rule 8009(a) of the Federal Rules of Bankruptcy Procedure and the record on appeal in this cause, the court renders the following order:

IT IS ORDERED that Appellant Whitney Bank shall serve and file Appellant's Brief on or before September 20, 2013.

IT IS FURTHER ORDERED that Appellee shall serve and file a response to Appellant's Brief on or before October 4, 2013.

IT IS FURTHER ORDERED that Appellant shall serve and file a reply to Appellee's Response on or before October 18, 2013.

IT IS FURTHER ORDERED that oral argument in this cause of action is scheduled for November 1, 2013, at 4:00 p.m. in Courtroom No. 7, Seventh Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas.

IT IS FURTHER ORDERED that each side is allotted 20 minutes total for argument in this cause.

SIGNED this **3** day of September, 2013.

UNITED STATES DISTRICT HUDGE